## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:14-cv-133-RJC-DCK

TIFFANY CALDWELL,	)	
Plaintiff,	)	
v.	)	<u>ORDER</u>
TONY SACCO'S COAL OVEN PIZZA,	)	
Defendant.	) )	

THIS MATTER is before the Court sua sponte. Pro Se Plaintiff Tiffany Caldwell ("Plaintiff") filed her Complaint on March 27, 2014, along with a Motion to Proceed In Forma Pauperis ("IFP"). (Doc. Nos. 1, 2). The Court granted Plaintiff IFP status on May 16, 2014. (Doc. No. 4). After initial review under 28 U.S.C. § 1915(e)(2)(B), the individual Defendants Laura Wiener and John Wiener were dismissed from the suit because individual employees, including supervisors, cannot be held liable for Title VII claims. (Doc. No. 7). A summons was issued by the Clerk of the Court on February 3, 2016, for service of the Complaint on Defendant Tony Sacco's Coal Oven Pizza by the United States Marshal. (Doc. No. 8). However, the summons was returned unexecuted on February 19, 2016. (Doc. No. 9). On March 16, 2016, the Court entered an Order advising Plaintiff of Federal Rule of Civil Procedure 4(m) and warning her that if she did "not perfect service of her Complaint on Defendant by May 3, 2016, her case [would] be dismissed without prejudice and without further notice." (Doc. No. 10). That time has now expired, and Plaintiff has failed to file anything with this Court indicating that she served her Complaint on Defendant.

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint is DISMISSED without

## **prejudice.** The Clerk of Court is directed to close this case.

Signed: May 9, 2016

Robert J. Conrad, Jr.

United States District Judge